The Road Ahead in Industrial Relations

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Introduction

It is my intention to discuss with you the industrial relations situation in Canada today; to relate it to what has occurred in the past; to consider the new environment for the seventies; to visualize emerging issues, problems and opportunities; and to suggest imperatives for labour, management and government if the challenges before us are to be met. In asking me to deal with these matters, those arranging this seminar are placing me in the dual role of a prophet and the solver of problems. As one who has always endeavoured in his role as conciliator or mediator to take a realistic and pragmatic approach to the immediate solution of specific labour-management disputes, I seriously doubt if I am qualified either to play the role of prophet or to offer general solutions. It seems to me that it is almost impossible to predict what will happen in this field because one's predictions are subject to so many variables. Most of you know what these variables are. Suffice it to say, that when jurisdiction is divided amongst eleven different governments, of several political persuasions, and divergent views on how such problems should be tackled and solved, it is impossible to say what each will propose, and finally do. Irrespective of these differences in viewpoint however, it is becoming increasingly obvious in industrial relations, as in other areas of difference in this country, that our future as a nation depends on a greater degree of co-operation by government, labour and management if a realistic approach to solving such problems is to be made. Perhaps we can stimulate our thinking along these lines today.

Industrial Relations in Retrospect

I think it is correct to say that never in the history of this country has there been so much public discussion of Labour-management problems as has occurred in the past five years. And it is increasing. We all know the fight which has been waged against inflation. We are painfully aware of the rise of unemployment, partially caused by the methods used in that fight. We are faced with the anomaly of a strong healthy economy with a greatly increased number of jobs, but unemployment being only slightly reduced. We have observed the effort of the Prices and Incomes Commission to have voluntary restraints applied and the failure of that effort. We are conscious of the criticism heaped on organized labour by government, industry and many of the public, for its refusal to urge restraints in wage demands. We have also noted labour's denial that wage in-creases are the cause of inflation and its allegation that government and industry have no long range plans to eradicate the causes of unemployment. In the same five-year period we have seen major strikes of workers in steel, nickel, auto manufacturing, construction, airlines, communications, postal services, hydro, garbage collection and on our docks, and the prospect of more in the current year. The result is that our system of collective bargaining is on trial. Its useful-ness is being seriously questioned. Over three years ago in the introduction to its report the Wood's Task Force said, "In Canada . . . the attack on collective bargaining has been mounting in recent years. The result verges on a crisis of confidence in the present industrial relations system." And such criticism has not abated. It is being echoed today by leaders of government, labour, and management as well as ordinary members of the public. Pertinent questions as to the reasons for its apparent failure are being asked. Why can it not resolve major conflicts? Where does the fault lie — with labour, management or government? Is the strike weapon obsolete? Should it be taken away? Is there a better alter-native, such as compulsory arbitration? Should the same rules apply in the public as in the private sector? A variety of answers from both the informed and ill-informed is being heard. But on one thing most of us are agreed. If collective bargaining is to survive as a viable instrument in this era of violence, confrontation and brinksmanship,

the causes of these failures must be located and eliminated. To achieve this desirable end we simply must have the utmost degree of co-operation by governments, labour and management. Nothing less will suffice. The important question is, will it be forthcoming? As long ago as 1962 William Mahoney, National Director of the United Steelworkers of America in Canada, more or less conceded that strikes were no longer effective for resolving industrial disputes, while his counterpart in bargaining for Stelco, H.J. Clawson, said in 1969 that the strike will be a relic of the past in the next ten years in the public sector and will be limited in the private sector. And as recently as February 13th, this year, George Meany, head of A.F.L.-C.I.O., said strikes no longer make sense and he favoured binding arbitration, agreed on voluntarily as a substitute for strikes. And yet, I am certain that each of these men would agree as to the need for retaining the right to strike in the private sector. In other words, it would be the consensus of those knowledgeable in industrial relations that the threat of a strike is still an essential element in private sector collective bargaining. What therefore is the answer? How can we retain the necessary threat, and yet prevent its implementation, and still have both sides, and the public as well, reasonably satisfied? As I attempt to envisage the road ahead in industrial relations in the seventies I will suggest several approaches as to what should be done in the private and public sectors to make collective bargaining work more effectively.

The Environment of the Seventies

What is the environment of the seventies? It is an era of challenge, of change, of confrontation, and at times, of violence. It is an era in which the actions and decisions of all those in authority are being continually questioned, downgraded, and even ignored. It is an era in which too often the paths of conciliation, co-operation and consultation are neither sought nor desired as a method of resolving problems. It is an era in which demands are made by ultimatum, mass demonstrations and every possible method of coercion. It is an era in which such methods have permeated every stratum of society. They are found in the relationship of our Federal Government with the provinces; of our Provincial Governments with the municipalities; and all forms of government with various groups of citizens and individuals. They are found in the revolt of youth against the standards and opinions of those who are older, coupled with the almost fanatical view that any change must be for the better. And finally, in the problems which we are discussing today, they are found in the continual clash between governments at all levels with management and labour; between management and labour itself; between the leaders of labour and their own membership; and between governments, management and labour and individual members of the public, who too often have to bear the brunt, financially and otherwise, of what occurs as a result of these differences. And yet this is participatory democracy. And our citizens are insisting on their right to be heard in the hope that they, in their own way, may help shape our destiny in the days ahead. And we, who are vitally concerned with the industrial future of Canada, must make our contribution by seeking changes in the relationships of governments, management and labour, to enable disputes amongst them to be resolved in a more orderly way.

The Emerging Issues, Problems and Opportunities

The issues, problems and opportunities which are emerging involve every area of government, labour and management relations. The major issue, which is so evident today, has arisen from the decision of the Federal Government, and most provincial governments as well, to establish formal collective bargaining

relationships with public service employees. This included, in the case of the Federal Government, the right to strike if the employees so chose. Today, that government bargains with the largest group of employees in Canada — 261,000 -which are divided into 114 bargaining units. This means that just as the thirty per cent settlement in the Seaway dispute in 1966 triggered similar settlements in the private sector, irrespective of merit, so any settlement made today by that Government or any Crown Corporations or agencies, will undoubtedly become a minimum for other agreements in both the public and private sectors. That Government therefore has the unenviable task of seeking to do equity among the various units in the public service, and also at the same time, to keep in mind the effect which its actions, no matter how justified, in dealing with its own employees, will have on other public service and private sector employees, and thus on the whole economy. And in considering the effects of this major issue we must bear in mind the essential difference between the Government bargaining with its employees and employers in the private sector with theirs. The Prime Minister expressed it clearly and succinctly as follows:

> I do think it is important that the public in general be made to realize the difference between strikes in the public service and strikes in the private sector . . . . You know that the Government is the only employer who can meet any wage demands no matter how high or how preposterous they be . . . . The Government does not go broke . . . . It can always meet any wage demands by just increasing taxes . . . . I think that unions should be made to realize that when they are bargaining with the Government, they are really bargaining with the public.

To me this is the issue which will have the most profound effect on collective bargaining in the seventies because in this year alone we have had strikes by the Air Controllers, Air Technicians, C.B.C. Technicians, the Public Service of Quebec, and the real possibility of another strike in the Postal Service. Now we read that an attempt is being made to bring all public service unions in Canada under one banner. Having seen what happened by joint action in Quebec, what effect would such a national amalgamation have on public service bargaining, and eventually on bargaining in the private sector.

And what are the other issues and problems which are emerging? I will list a few of them:

1. The recruitment and training of a sufficient number of management industrial relations personnel, union leaders, government officials, negotiators, conciliators, mediators and arbitrators, not to forget politicians, for the fair and expeditious handling of both interest and rights disputes;
2. The need of a re-examination of the system of collective bargaining in the public service, including the right to strike;
3. A realistic attempt by management, labour and government to have more continual consultation on mutual problems in the hope that the right to strike may be limited to non-essential industries;
4. The matter of technological change and job security;
5. A reconsideration by labour of its present policy of refusing to confer on its negotiators the power to make binding settlements without ratification by a vote of the membership;
6. The challenge to the Rule of Law involved in such disputes.

I intend to deal with each of these matters individually as I consider they are imperatives for labour and management, but before doing so must state that the opportunity for action is with us now and must not be delayed. All parties must realize that the public is aroused. They may not be ready to discard all the shibboleths of the past, but they want them carefully re-examined. It is no answer for governments to quote the high percentages of disputes which are settled without strikes, when those which result in strikes have a much more adverse effect on the lives of thousands of citizens than on the disputants themselves. It is no answer for management to continually refer to the rights which they have always enjoyed as being inviolate. It is no answer for labour to act as if the right to strike was of divine origin and must always be available to every-one at all times under every circumstance. If the public demands action long enough it generally gets it, but what will the action be? It may make a bad situation worse. It shocks me to find the number of educated and intelligent people of real ability, but with no experience of intimate knowledge of industrial relations, who honestly believe that if governments were only tough, if they would only pass restrictive legislation to compel the disputants to settle their differences without work stoppages, that the problems would be immediately solved. They glibly say disputes between individuals are settled in court, why shouldn't the same be done in labour-management disputes. Why should they be permitted to adversely affect the livelihoods of other people willy-nilly? And unless governments, labour and management realize this fact by looking squarely at the issues, and each giving up part of its present sovereignty in reaching more acceptable solutions, then the situation is bound to deteriorate.

Imperatives for Labour and Management

The Recruitment and Training of Conciliators, Mediators, Negotiators and Arbitrators

One of the matters which has continually been stressed by the Federal Department of Labour is the need for a greater degree of communication be-tween management and labour. The appointment of permanent mediators specially trained and qualified to deal with the problems of a particular group to work with the parties before matters reach the crisis stage, has been a feature of this approach. And it has met with considerable success. But it seems to me that a much greater emphasis must be placed on the recruitment and training of many more people in the art of conciliation, mediation and arbitration. The various governments of Canada have conferred bargaining rights on many thousands of people in the past few years but have not sufficiently concerned themselves with the number of people required to act as negotiators, conciliators and arbitrators to handle the disputes which regularly arise. This not only includes the personnel which will be required by the parties themselves but also the impartial third parties who must be available to conciliate and mediate interest disputes, and arbitrate rights disputes. Industrial relations involves people and only skilled people can find the answers. I know from experience that given a genuine desire on both sides to settle, strikes can be avoided if the right people are at the bargaining table. The greatest need is, of course, in the public service where there are such a multiplicity of bargaining units. It is an absolute necessity here for the government involved to give its negotiators definite guidelines in the hope that if these people have the necessary skills they will produce similar settlement proposals. It may also be necessary to reduce the number of bargaining units or to have a greater degree of joint bargaining. In any event, the present approach is much too slow. More trained people who can produce agreements in .a shorter time are essential.

The Right to Strike in the Public Service

When formal collective bargaining was extended to employees in the Federal Public Service in 1967 it included the right to strike except with respect to those employees whose duties were necessary to protect the safety or security of the public. Many knowledgeable people in the field of industrial relations were opposed to any public servant having the right to strike and were predicting what has now occurred. We have accordingly had strikes of postal workers, air controllers, air technicians federally; a general strike of provincial employees in Quebec; strikes by civic employees in Vancouver and Toronto, and even police strikes, and the end is not in sight. In Ontario, members of police and fire departments and hospital workers have been specifically denied the right to strike for a number of years and by the Collective Bargaining for Crown Employees Act, 19 72 passed in June, public servants can neither strike nor be locked out. What are the merits of the subject? My own views on it are well known. In my report to the Ontario Government in 1969 following a two year study of collective bargaining in the public service and Crown agencies, I said this:

> It is a truism in our democratic society that where the interests of any individual or group are in conflict with the overall interests of the community, the interests of the community must prevail. It is axiomatic that if society is to be preserved, the sovereignty of the State must remain supreme.
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> Furthermore, our democratic processes provide the methods by which the interests of the community are to be safeguarded. We choose by free elections those who will be entrusted with that responsibility and we have the opportunity at regular intervals of either reaffirming that trust or transferring it to others. Implicit in the selection of those who will govern us is the duty of those selected to provide, without interruption, those services to which all citizens are entitled by law to avail themselves. Therefore, despite my opposition to the imposition of compulsory arbitration to settle disputes in the private sector, I cannot accept the proposition that anyone who joins the public service, should have the right, in conjunction with others, to withdraw his services with the sole objective of compelling a duly elected government to meet their demands, no matter how meritorious they may be. To admit such a proposition, is to imply that our processes of government, and the services which are provided by law for the benefit of all citizens when required, can legally be rendered ineffectual if a critical segment of public servants or Crown employees should engage in strike action.

These views have not changed. Indeed, they have been strengthened by what has occurred this year, and particularly the general strike in Quebec and the apprehension as to what could occur throughout Canada if all public service unions become one, and decide to challenge the power of the Federal and Provincial Governments in a similar way to the challenge in Quebec. Is it any wonder that editorial opinion in Canadian newspapers is almost unanimous in its opposition to such strikes? Here are some of the headlines:— "Striking against the people"; "A realistic strike policy needed to protect the public"; "Put an end to public service strikes"; "Call Parliament to end this strike"; and "The ransom demanded". At the same time it is indicated that a task force report, now in the hands of the Federal Government, recommends limiting the right to strike in the public service, and stiffening the penalties for those who strike illegally. It is my prediction therefore that despite the fact that the right to strike has not been sought extensively by public servants, it is possible that in the crucial areas where the unions have power it will be increasingly adopted as an added weapon in negotiations. The result will be that the right will either be

abolished or limited to those areas in which the overall interests of the public will not be seriously affected.

But what about the rights of the employees to be properly treated irrespective of who their employer may be? They are entitled to be rewarded for their services to the same degree as those who have the right to strike. Compulsory or voluntary arbitration is the only alternative but it must be made to work more fairly and expeditiously than in the past. I know the system is being re-examined with respect to such interest disputes in Ontario and it is hoped that such disputes across the province will be settled in a more satisfactory way. A combination of both mediation and arbitration in the same dispute would appear to be desirable, and the matters subject to the process should be widened. Once again, if the proper people can be found to do the job, much improvement should result. No system will come close to perfection but I am convinced government, labour and management have the ability to create a much better one than the present method of confrontation with its adverse effects on the public.

Public Interest and Essential Service Disputes

Allied to what I have said about public service disputes are the difficulties which have arisen with respect to disputes in essential services or industries whether public or private. Such disputes may be defined as those where, from the moment a strike starts, the public generally, or large segments of it, are more adversely affected than the parties themselves. This would include, of course, strikes by employees operating hydro facilities, railways, airlines, shipping and dock facilities. In other words, in industries where a large part of the economy of the country can be adversely affected by a work stoppage, should we permit one to occur? In its report to the Federal Government in 1969 the Woods Task Force recommended the creation of a Public Interest Disputes Commission which would designate essential industries and would suggest procedures for settlement from mediation to compulsory arbitration. It would limit arbitration, however, except with the consent of the parties, to instances where a strike has already commenced, and then only by action of Parliament on an ad hoc basis. This recommendation has neither been implemented, nor is it likely to be. It has similarities to the Commission established by the British Columbia government where labour has adamantly refused to appear before the Commission in any case involving binding arbitration. But some such system must be evolved. It makes no sense to me that if it is obvious a dispute cannot be resolved without arbitration, we should wait until a strike has been in effect for ten days or two weeks before government acts. By that time public opinion forces government to act. But surely representatives of labour and management, as well as the politicians, know this will occur, but the same routine with all its adverse effects on the public still continues. As yet no joint attempt is being made by the three groups who can solve the problem, to tackle it realistically. My prediction is that unless they do so, more restrictive legislation will be the result and instead of helping the problems, may only make them more difficult to solve. Bold leadership willing to take risks, and incur some unpopularity with the community which each represents is essential. Regretfully we are still waiting for it to emerge.

The Issue of Technological Change and Job Security

This issue attracted national attention for the first time in 1964 when the C.N.R. proposed run-throughs of its trains at Nakina, Ontario and Wainwright, Alberta. If permitted, the result could have been that both towns would become "ghost-towns". In a subsequent study of the situation, the Commissioner, Mr.

Justice Freedman (now Chief Justice of Manitoba) recommended that management should not be permitted to institute major technological changes adversely affecting employees without negotiating a change with its employees. It included a recommendation that employees have the right to strike on the issue if technological changes were introduced during the closed period of collective bargaining. Labour accepted the Report, but management was only in partial agreement. The result was, however, that by 1967, Canada's major railroads and their unions did agree on a formula for handling such matters. It contained the following provisions:

1. Management could unilaterally decide on change but it could not be effected until the employees adversely affected had received notice.
2. Negotiation of measures to minimize the adverse effects of change on employees.
3. Agreement that if negotiation and mediation did not resolve a dispute, it would be referred to arbitration for a final and binding decision.

As we approached the seventies and more technological change and automation became evident the issue of job security became more pronounced and pressure for legislative action federally increased. Finally, in March 1971, without addressing itself specifically to the subject, the House of Commons enacted legislation to provide that employees with five years' service who are discharged without cause, are entitled to severance pay and employers must give up to sixteen weeks' notice in case of mass lay-offs. These changes apply to 550,000 workers under federal jurisdiction, many of whom are still unorganized.

Then in June 1971, Mr. MacKasey introduced Bill C-253 which specifically dealt with the problem of technological change, It provided that an employer who was bound by a collective agreement and proposed to implement a technological change that was likely to affect the terms and conditions or security of employment of a significant number of employees, must give at least 90 days' notice of such change. It then permitted the Union to apply to the Canada Labour Relations Board to make a determination if a "significant" number of employees were involved in any change, and if so, to negotiate during the lifetime of an agreement, provisions designed to assist employees adversely affected by the change. Among other things, it permitted a strike if the parties could not agree on such provisions.

The reaction of employers was outright rejection, while labour gave limited approval, which became more limited as time passed. The opposition of management is best summed up by a statement in the submission of the Canadian Manufacturers Association to Mr. MacKasey on September 23rd, 1971:

> We can affirm with complete assurance that no other piece of labour relations legislation in the last 25 years has so shocked the industrial and business community in Canada. The "technological change" provisions are bad legislation, both in principle and in practice. They will adversely affect sound labour-management relations, increase industrial conflict, and pose a real threat to the economic well-being of Canada. We think our submission demonstrates conclusively that there is little or no justification for them.

It is our strongly held view that there is no alternative to withdrawal of the technological change provisions.

As could be expected, this extreme statement brought an equally strong reaction from labour spokesmen. A well-known writer on labour-management problems, Ed Finn, wrote this on December 30th. He approved Mr. MacKasey's statement that, "The basic cause of insecurity among workers is technological change", and after referring to the legislation said,

> The fierce resistance to these proposals by Canadian employers reflects their unwillingness to share the social and economic costs of automation. Many still insist workers bear the entire burden.

Then, after referring to the right to strike during the closed period of the contract, he adds,

> There is nothing sacred about the closed contract, although it has been enshrined in our labour laws for half a century. It is uniquely Canadian.

And finally, referring to Canadian employers,

> They are legally immune from Union opposition to technological change during the closed period of the contract — and most of them have abused that advantage.

The result of the furore was that the Bill was allowed to lapse at the end of the session.

A new Bill C-183 was introduced at the end of March and was finally enacted in June, although objections were made to some of its provisions. It retains the requirement of notice and the right to re-open a collective agreement under certain conditions. A number of specific clauses have softened the effect of clauses in the former Bill. All contracts in existence when the Bill is proclaimed are exempted from its provisions. Furthermore, collective agreements entered into thereafter can by-pass technological change sections of the Bill if:

1. There is a clause excluding them.
2. There are provisions to cushion the effect of technological change.
3. Provisions are included for the parties to achieve a binding settlement of problems resulting from change.
4. Notice of pending changes was given in writing to the Union while the contract was open for renewal.

Two of the chief criticisms of the new law still remain — the right to strike if the parties cannot negotiate the cost of change, and the failure to make its provisions applicable to employers of unorganized workers. As far as the right to strike in these circumstances is concerned, I am still opposed to it. On the one hand, the Act provides that management may introduce change, but in per-mitting a strike if the cost of change cannot be agreed to, the Union can in effect block the change by refusing to agree on cost. I am afraid the union leaders' position will be extremely difficult. Job security is prized above almost everything else so how can a price on its loss be agreed to, if the threat of a strike, or a strike, might result in it being dropped. In this regard it is interesting to note that John Crispo, a member of the Woods Task Force which recommended that the right to strike be included in negotiations for technological change, has changed his mind. He now feels that collective bargaining is not the appropriate means for dealing with the problems of displacement and disruption caused by technological change. I agree. I am convinced that

where only the cost of the adverse effects of change is involved, arbitration is the proper avenue for assuring the fairest possible treatment for affected employees.

I also agree with those critics who say that such protective requirements should be made to apply to unorganized workers as well. This would take it out of the realm of formal collective bargaining. On the one hand the Act's sponsors laud the advantages to be gained by collective bargaining, yet the enactment of its provisions could put the employer who so bargains with its employees at a marked competitive disadvantage with respect to employers who can introduce and implement technological change without notice, without disclosure and at such cost as they unilaterally decide. These are matters which should be of continual concern to government, management and labour and if similar laws are contemplated by provincial legislatures their provisions should be carefully considered and reviewed having in mind the possible effect in the private sector.

The Ratification of Settlements by Membership Vote

As I read their official statements from time to time I can only conclude that Canada's labour leaders believe that the right to strike is inviolate and should be acknowledged by all collective agreements for all organized employees. I seriously doubt if the private views of all of these leaders would coincide with the official position. Be that as it may, there is one area in which labour could take steps which would materially reduce the possibility of strike action. That is, by changing the requirement of most unions that no settlement of a dispute is binding on a union until its provisions are ratified by a vote of the membership. To me, such a requirement is one of the most disturbing and frustrating features of collective bargaining in the seventies. For many years memberships of unions almost automatically approved a settlement recommended to them by their negotiation committee. But in the last few years the situation has been reversed. No one now knows what will happen. In fact it seems there has arisen not only a readiness, but almost an eagerness, to repudiate their own establishment by rejecting what they recommended.

And what has been the effect of such rejection? It means that there is no longer a real incentive for management to bargain all out and reach a tentative agreement. It may be executed in the best faith by all the negotiators, but the threat of rejection is in everyone's mind. Thus, to retain any kind of bargaining position, management must always hold something back, in order to have some tools available in a further effort to prevent a strike, or settle one after it has occurred. It is my view, supported by evidence from discussions with both management and union leaders that major strikes which have occurred could have been avoided if the negotiators could have arrived at a final and binding settlement without the necessity of a ratification vote. I have repeatedly asked union leaders and ordinary members why it cannot be done. The only answer I receive is that it is the democratic way to act and that if a negotiating committee had such power the membership would have given up a valued right. I have never been able to accept this contention. Surely memberships of unions which consistently by votes of over 90%, confer on negotiating committees the power to take them out on strike, thus depriving them of their usual income for weeks or months on such a committee's judgment that a settlement proposal is not satisfactory, should be prepared to authorize the same men to agree that a strike will not occur if the committee's conclusion is that a satisfactory settlement has been reached. It is true that labour leaders advocating such a course would face criticism, and if a settlement was arrived at without ratification, they could be denied re-election because of the claim of opponents that a better settlement could have been made. But some risks in the interests of

industrial peace must be taken. Surely members of unions can be made to see that they may well be defeating their own ends by having the right to reject, and by so doing using the strike weapon in a manner never intended. They must be made to realize that just as conciliation and mediation by third parties are adjuncts to, and not necessarily part of, collective bargaining, so is the strike weapon. They must also learn that it is the threat of strike, and not its repeated use, especially where the public is involved, that produces the most satisfactory settlements. I am certain that if the membership would, at the same time as they authorize their negotiators to call a strike, give them power to make a binding agreement, greater industrial peace would be assured.

The Challenge to the Rule of Law

The final issue which I will discuss today is one which involves the very foundation of a democratic society — the continual challenge to the Rule of Law, which is part of so many labour-management disputes. As I observed earlier we have been living in an era of challenge, change, confrontation, and at times, violence. It is evident in so many areas. The legitimate right of dissent and peaceful demonstration in support of one's beliefs has been converted into a license to prevent views being expressed by noise and violence; to assault people, to damage property; to occupy it illegally; in general, to replace reason and informed discussion with the threat or use of force to compel acceptance of one point of view. Slogans and epithets have been imported from abroad and used on any excuse to threaten and embarrass those in authority. And industrial relations has been plagued with more than its share. In the name of industrial peace we have tolerated illegal picketing, assault, vandalism, theft, damage to property, disrespect for injunctions, and other offences as well, and in the vast majority of instances management has collaborated with unions in preventing the culprits from being punished. Such so-called tolerance breeds only contempt. And we have seen what occurred in Quebec. When the Government finally passed legislation to end the general strike, and in a manner which they were obviously reluctant to do, we had the situation of union leaders urging that their members refuse to obey the law and they even had a vote to decide whether they would or not. Fortunately, they reversed their stand, and avoided what could have become a virtual challenge of the authority of the Government to govern the province. And don't forget that we are all involved — we have condoned the appeasement of the last few years. Our universities, where free expression is highest in priority, and rightly so, have to some extent failed in their responsibilities. They have permitted the conception to develop that because they are in themselves communities and have the rights of discipline over their membership, the Rule of Law should not apply on university property with respect to its members. And we have secondary teachers engaging in an illegal strike and their Federation warning principals that, if they carry out some of their contractual obligations to trustees and the public, they may be expelled from their Federation, with the implication they may lose their jobs. It is because of such challenges to the Rule of Law that restrictive laws are being demanded and enacted even though they cannot permanently settle the issues involved. We cannot achieve industrial peace merely by passing new laws. Disrespect for the old laws ensures that the new laws will be similarly treated. It is only by people and their attitudes changing that the situation will be corrected, and if this does not occur, and the challenge to law continues, it may, as the late the Honourable Ivan Rand said in his Report, be "the harbinger of social disintegration".

Conclusion

In conclusion, let me reiterate that it is not the passing of new laws or the creation of new tribunals, or the general restraints of law and order that will give us a full measure of industrial peace. They will help, but the real solution still lies in the attitude of people. The road ahead is strewn with difficulties, and I will summarize my views as to what they are:

1. The overriding major issue of the impact of settlements in the public sector on those in the private sector and on the whole economy.
2. The necessity of recruiting and training many more highly skilled negotiators, conciliators, mediators and arbitrators.
3. The right to strike in the Public Service.
4. The method of solving both public interest and essential industries disputes.
5. The effective handling of technological change and job security.
6. The ratification of settlements by vote.
7. The challenge to the Rule of Law in solving industrial disputes.

Finally, I recall at the National Tripartite Conference on Industrial Relations held in October, 1969, a distinguished representative of management said, "Our discussions will only be fruitful if we refrain from the kind of posturing that unfortunately has become second nature to us". Regretfully, in the public statements of management and labour, the posturing still continues. This is simply not good enough. The difficulties are too pressing to be so treated. Maybe what occurred in Quebec — and let us not delude ourselves, a very serious confrontation was just averted — will shock governments, management and labour into finding new ways to settle their differences. Hopefully, suggestions for voluntary arbitration are beginning to be heard from several sources. Surely it is worthy of trial. It might open the door for the co-operation which is so essential if all parties are genuinely interested in finding a new approach. But to achieve such a fundamental change all concerned with the process, and particularly the chief protagonists, must display more imagination, flexibility, and above all, courage. If we are worthy of the heritage left us by those who created and sustained our Confederation in its first hundred years the people will surely come forth to meet this challenge.

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